



PUBLIC NOTICE

Federal Communications Commission
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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST OF ACD TELECOM, LLC, TO BE CERTIFIED AS A PART 90 FREQUENCY COORDINATOR OF PUBLIC SAFETY FREQUENCIES IN THE VHF AND UHF BANDS BELOW 512 MHZ, 700 MHZ NARROWBAND, 800 MHZ NPSPAC AND 800 MHZ PUBLIC SAFETY CATEGORY FREQUENCIES

PS Docket No. 14-148

Comments Due: October 8, 2014

Reply Comments Due: October 23, 2014

This *Public Notice* seeks comment on ACD Telecom, LLC's (ACD) request to be certified to coordinate public safety frequencies under Part 90 of the Commission's Rules.¹ Frequency coordination is the process by which a private organization recommends to the Commission the most appropriate frequencies for applicants in designated radio services.²

In 1986, the Commission certified four frequency coordinators³ in the Private Land Mobile Radio (PLMR) public safety services.⁴ The criteria the Commission established in 1986 for PLMR frequency coordination certification were (a) representativeness of the users of the frequencies to be coordinated; (b) the entity's overall coordination plan (including how recommendations would be made and equality of applicant treatment); (c) the entity's experience coordinating frequencies in the service or technical expertise; and (d) its nationwide coordination capability.⁵

¹ See Request for Certification as a Frequency Coordinator for PLMR VHF, UHF, 700 MHz and 800 MHz Public Safety Frequencies filed by ACD Telecom, LLC (received July 25, 2014).

² With limited exceptions, frequency coordination is required before the Commission will grant a license to a Private Land Mobile Radio (PLMR) applicant. See 47 C.F.R. § 90.175 (setting forth the frequency coordination requirements).

³ Association of Public-Safety Communications Officials-International, Inc. (APCO); American Association of State Highway Transportation Officials (AASHTO); Forestry Conservation Communications Association (FCCA); and International Association of Fire Chiefs and International Municipal Signal Association (IAFC/IMSA) (collectively the four public safety frequency coordinators).

⁴ See Frequency Coordination in the Private Land Mobile Radio Services, PR Docket No. 83-737, *Report and Order*, 103 F.C.C. 2d 1093 (1986) (*Frequency Coordination Order*) *recon. denied*, *Memorandum Opinion and Order*, 61 RR2d 148 (1986).

⁵ *Frequency Coordination Order*, 103 FCC 2d at 1126 ¶ 70.

In the 1997 *Refarming Second Report and Order*, the Commission determined that the consolidated Public Safety Pool in the VHF and UHF bands below 512 MHz would continue to be largely administered through “exclusive” frequency coordinators.⁶ The Commission, however, introduced competition into the coordination process for the former Local Government Radio Service frequencies. While recognizing the public interest benefits of competitive coordination (*e.g.* lower coordination costs and better service) the Commission emphasized that the integrity of the radio communications in the Public Safety Pool must be maintained without fail.⁷ The Commission recognized that continuing to allow the four public safety frequency coordinators to manage the same spectrum prior to consolidating the former public safety radio services into one Public Safety Pool would ensure that future frequency coordination recommendations on these frequencies remain consistent with local, regional and state public safety communications plans.⁸ The Commission’s rules continue to require coordination from the previously certified public safety frequency coordinators before a new applicant may be licensed on frequencies in the former Emergency Medical, Forestry Conservation, Fire, Highway Maintenance, and Police radio services.⁹

In the context of the *Refarming* proceeding, the Commission stated that it would revisit the issue of competitive frequency coordination for Public Safety Pool frequencies below 512 MHz if a more integrated coordination system could be designed that would not impair public safety interests.¹⁰ The Commission subsequently introduced competitive frequency coordination in the 700 MHz public safety narrowband General Use channels,¹¹ the 800 MHz NPSPAC band¹² and the 800 MHz Public Safety category.¹³

⁶ See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services, *Second Report and Order*, PR Docket No. 92-235, 12 FCC Rcd 14307, 14327-28 ¶¶ 38-40 (1997) (*Refarming Second Report and Order*).

⁷ *Id.* at 14,328 ¶ 39.

⁸ *Id.*

⁹ Section 90.20(c), 47 C.F.R. § 90.20(c), of the Commission’s rules indicates which frequencies are available for assignment and the certified frequency coordinator for each Public Safety Pool frequency below 512 MHz. It designates a frequency for coordination by a specific public safety frequency coordinator or by any of the four certified public safety frequency coordinators.

¹⁰ *Refarming Second Report and Order*, 12 FCC Rcd at 14328 ¶ 38. We note that the Wireless Telecommunications Bureau introduced competitive coordination in the former Special Emergency Radio Service, which is technically part of the Public Safety Pool below 512 MHz, but different than “traditional” public safety services. See Industrial Telecommunications Association, *Order*, 19 FCC Rcd 7614, 7619 ¶ 12 (WTB 2004).

¹¹ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152, 200 ¶ 98 (1998).

¹² So called because the band was established by the Commission pursuant to recommendations from the National Public Safety Advisory Committee. See Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821–824/866–869 MHz Bands by the Public Safety Services, Gen. Docket 87-112, *Report and Order*, 3 FCC Rcd 905 (1987).

¹³ See International Association of Fire Chiefs, *et al.*, *Order*, 16 FCC Rcd 14530, 14542 ¶ 17 (WTB PSPWD 2001). Currently, four frequency coordinators are certified for the 800 MHz NPSPAC and Public Safety Category.

On July 25, 2014, (ACD) filed a request to be certified as a frequency coordinator for Part 90 public safety frequencies. ACD states that it was formed in 1998 and that it satisfies the “representativeness” requirement for frequency coordination. It indicates that it has an effective coordination plan, has extensive PLMR technical expertise and nationwide coordination capability and is qualified to be a public safety frequency coordinator. ACD seeks certification to coordinate public safety frequencies in the VHF and UHF bands below 512 MHz, the 700 MHz narrowband, and the 800 MHz band public safety frequencies, including the NPSPAC band.

Procedural Matters

Interested parties may file comments and reply comments in response to the Petition for Rulemaking on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference **PS Docket No. 14-148**. Parties may file comments using (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.¹⁴

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Address filings to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.¹⁵

¹⁴ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

¹⁵ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The requests, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS), <http://www.fcc.gov/cgb/ecfs>, by entering the Docket Number, PS Docket No. 14-148. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact John A. Evanoff, Attorney-Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418-0848 or via e-mail at john.evanoff@fcc.gov.

Action by the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau.

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¹⁶ See 47 C.F.R. §§ 1.1200(a), 1.1206.